

**SUMMARIZED MINUTES
SCOTTSDALE CITY COUNCIL
MONDAY, OCTOBER 25, 2004**



APPROVED

**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor Manross called to order a General Plan Amendment Meeting of the Scottsdale City Council on Monday, October 25, 2004 in the Kiva, City Hall, at 5:03 P.M.

ROLL CALL

Present: Mayor Mary Manross
Vice Mayor Robert Littlefield
Council Members Betty Drake, Wayne Ecton,
Ron McCullagh, W.J. "Jim" Lane, and Kevin Osterman

Also Present: City Manager Jan Dolan
City Attorney Joseph Bertoldo
City Clerk Carolyn Jagger

PUBLIC COMMENT

Patty Badenoch, 5027 N 71st Pl, 85253, expressed her opinion that the Optima Camelback Village project recently approved by the Planning Commission is too dense.

NOTE IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

1. Horseman's Park - South Parcel General Plan Amendment

Requests:

1. Approve a General Plan Land Use Element Amendment from Suburban Neighborhoods to Office on a 4.6 +/- acre parcel located at the northeast corner of 98th Street and McDowell Mountain Ranch Road.
2. Adopt Resolution No. 6574 affirming the above General Plan Amendment.

Location: Northeast corner of McDowell Mountain Ranch Road and 98th Street

Reference: 3-GP-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@scottsdaleaz.gov

Staff provided background information on General Plan policy, aerial photos and an analysis of the property and surrounding areas, minimal traffic impacts, creation of a transition in land uses, and a concern regarding the GLO patent easements that were abandoned in March of 2004.

John Berry spoke as the representative for the applicant. He outlined the public involvement and favorable views from the neighborhood regarding the request.

Mayor Manross opened public comment.

Leon Spiro, 7814 E Oberlin Wy, 85262, submitted questions regarding GLO patented roadway easements (attached). He expressed his belief that private property rights are being ignored when the city permits construction, blockage, and fencing of the roadway and public utility easements that are called for in the Federal Land Patents. He questioned if the current Council is bound by the past Council's decision regarding abandoning GLO easements.

Mayor Manross responded that, unless Council decided to revisit the GLO abandonment policy, the current policy stands as it is. She stressed that all previous actions have been conducted according to proper legal processes.

Public comment closed.

MOTION AND VOTE – ITEM 1

COUNCILMAN ECTON MOVED FOR APPROVAL OF THE GENERAL PLAN LAND USE ELEMENT AMENDMENT, AND ADOPTION OF RESOLUTION 6574. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY 7-0.

2. Miller & McDonald General Plan Amendment

Requests:

1. Approve a General Plan Land Use Element Amendment from Rural Neighborhoods to Office on a 4 +/- acre parcel located at 5975 N. Miller Road (Southeast corner of McDonald Drive and Miller Road).
2. Adopt Resolution No. 6575 affirming the above General Plan Amendment.

Location: 5975 N. Miller Road (Southeast corner of McDonald Drive and Miller Road)

Reference: 6-GP-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Al Ward, Senior Planner, 480-312-7067, award@scottsdaleaz.gov

A staff presentation was provided as follows:

Miller and McDonald Project

Case 6-GP-2004

- Request to amend General Plan from Rural Neighborhoods to Office category
- Location: SEC of Miller Road and McDonald Drive
- Size: 3.15 acres
- Significant public interest has been expressed with this case

Proposal

- Amend the General Plan from Rural Neighborhoods to Office category
- Current zoning is Residential (R1-43) District
- Proposed zoning is Service Residential (S-R) District
- Current General Plan category and zoning permits 3 one acre residential lots
- Proposed General Plan category and zoning permits office use

Analysis

- Established land use pattern along McDonald Drive, west of site is office
- Proposed use increases traffic from 41 to 494 vehicles trips per day
- McDonald Drive street and intersection improvements can accommodate added traffic capacity
- Parcel location along McDonald and existing water treatment plant
- Neighborhood concerns regarding

Impacts

- Traffic
- Noise
- Lighting
- Site design

Citizen Involvement

- Open houses held on June 24 and July 15, 2004; concerns expressed related to:
 - Increased traffic, especially cut through traffic in the Sundown Estates neighborhood
 - Increased traffic at the McDonald/ Miller intersection, already busy
 - Limiting or disrupting views of Camelback Mountain
 - Noise, lighting and site design

Planning Commission Recommendation Approval, 7-0

- Discussion from citizens on proposed amendment
- Items primarily dealt with site design, traffic and neighborhood impacts
- Commission encouraged the applicant to do further public outreach regarding the proposed zoning case

Council discussion focused on:

- Cut-through traffic - The issue of cut-through traffic will be addressed further during consideration of the site plan.
- Building Heights - The proposed application would allow a height of eighteen feet, while the current zoning would allow thirty feet.

The applicant's representative, John Berry, discussed his close involvement with neighborhood concerns, the progress being made in mitigating the issues, and his commitment to continue to work with the neighborhood to resolve their concerns. He stated that the proposal for a minor office category would fit in context with the amendment.

Councilman McCullagh pointed out that his support of the amendment did not necessarily mean support of the potential zoning case.

Mayor Manross opened public testimony.

Janie Ellis, 105 Cattle Track, 85250, spoke in support of the amendment due to her belief that it would be appropriate for the area.

Public testimony closed.

MOTION AND VOTE – ITEM 2

COUNCILMAN OSTERMAN MOVED FOR APPROVAL OF THE GENERAL PLAN LAND USE ELEMENT AMENDMENT, AND ADOPTION OF RESOLUTION 6575. VICE MAYOR LITTLEFIELD SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY 7-0.

CITY MANAGER'S REPORT - None

MAYOR AND COUNCIL ITEMS

Councilmember Drake noted she would not be able to attend the Council Meeting of November 1, 2004 as she would be attending an Arizona Town Hall meeting.

Ms. Drake requested that the Mayor schedule the issue of a Public Safety Subcommittee for further discussion and vote at the November 16, 2004 Council Meeting.

In addition, Ms. Drake suggested having regular Work Study Sessions with updates from staff on items such as public safety and GLO abandonments.

ADJOURNMENT

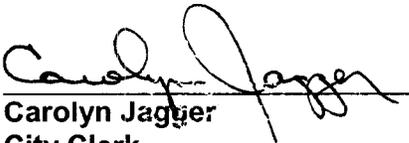
With no further business to discuss, the meeting adjourned at 5:55 P.M.

SUBMITTED BY:



Sandy Dragman
Recording Secretary

REVIEWED BY:



Carolyn Jagger
City Clerk

CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the General Plan Amendment Meeting of the City Council of Scottsdale, Arizona held on the 25th day of October 2004.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 28th day of October 2004.



CAROLYN JAGGER
City Clerk

REQUEST THAT THE FOLLOWING
QUESTIONS BE ANSWERED.

1. IS THE PREVIOUS COUNCIL'S DECISION
TO DISREGARD THE "RISK FACTOR"
REGARDING THE GLO PATENTED
ROADWAY EASEMENT RESERVATION
ABANDONMENT "PRIVATE
PROPERTY RIGHTS ISSUE",
BINDING ON THIS NEW COUNCIL.

2. AS IN THE PAST, IS THE COUNCIL AND
PLANNING COMMISSION, WITH THEIR
APPROVING VOTE, "ONLY ABANDONING
THE CITY'S INTEREST AND THE
PUBLIC'S RIGHT TO THESE GLO-
FEDERAL LAND PATENT RESERVATION

3. LEGAL QUESTION: DID ANY MEMBER
OF THE CITY STAFF, OTHER THAN
THE ENGINEERING SERVICES
DIRECTOR, HAVE THE AUTHORITY
TO ABANDON AND/OR EXCHANGE
A GLO PATENTED ROADWAY
EASEMENT? REF. ORD 1382,
DATED 1 JUNE 1981, NOW REPEALED.